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THE CRISIS IN CANADA;

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VINDICATION

OF

LORD ELGIN AND HIS CABINET

AS TO

THE COURSE PURSUED BY THEM

IN REFERENCE TO

THE REBELLION LOSSES BILL.

BY

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THE CRISIS IN CANADA,

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SINCE the rebellion in 1837-38, no feature in the history of Canada has elicited such general attention in this country, as the Rebellion Losses Bill, which, having passed all the branches of the Provincial Legislature now awaits the action of the Queen's government at home. Laying out of sight the supposition indulged in by some, that the question involved is one of imperial import, the excitement to which the measure has given rise in the Province is, of itself, sufficient to account for the unusual degree of interest, which, as a colonial subject, it has evoked in the mother country.

As the whole matter is likely very soon to undergo discussion in Parliament, it is desirable that the public should be made sufficiently acquainted with the leading features of the case, to enable them to pronounce an independent judgment upon it, instead of being led away by those, who, in dealing with it, will be biassed by their pre-conceptions, or swayed by their prejudices. This is all the more desirable, inasmuch as the view which Parliament

may take of the subject will have an important bearing upon the immediate future of Canada. We have every interest in averting, if possible, a hasty and hap-hazard decision, if we attach any value to the magnificent section of our colonial empire, irrigated by the St. Lawrence and its tributaries. There is danger of such a decision being arrived at, unless the question be discussed upon its naked merits, and the public refuse to be swayed, as in judging between parties in Canada, they have always heretofore been by those interested in misleading them, in favour of one party and against the other. Most, if not all the political evils of Canada, are traceable to the fatal blunder, into which the Colonial Department was betrayed, of always treating the one party with confidence, and constantly regarding the other with suspicion. The department having had no check in public opinion, was enabled to perpetuate this blunder to a very recent period. The error was being rapidly repaired, when the present question arose ; a question which has not only rekindled in the Province the party animosities, which so long impeded its progress, but which has also revived, in certain quarters here, the narrow spirit in which Canadian questions were formerly entertained and disposed of. The press is, in some instances, zealous in rousing this spirit into action ; but it is of the last importance to the Empire and the Province that it should not be permitted to influence either the views of Parliament or the judgment of the public. To

prevent, as far as possible, such a calamity, is my sole object in venturing to explain the scope and character of the measure, which has given rise to the present controversy ; and, in doing so, I shall deal with the Rebellion Losses Bill in the double aspect of the relation of parties to it, and its own intrinsic merits.

To enable the reader thoroughly to appreciate the question at issue between parties in Canada, a brief recapitulation is necessary of some of those events, which serve more prominently to illustrate the political history of the Province.

In 1792, the Province of Quebec was divided into the two provinces of Upper and Lower Canada. To each was assigned a separate governmental system, involving, to some extent, theoretically at least, the principles of constitutionalism. Both provinces then started upon separate political careers ; their paths, which then diverged, being destined to re-unite about half a century afterwards. It was not long ere considerable discrepancy existed as to the details of their political history ; but, as regarded the main principle on which they were governed, the experience of the one was unhappily but too coincident with that of the other. At the time of the separation of the two provinces, our colonial system was rapidly maturing the vices, which have since disfigured it ; and, unfortunately for them, the Canadas were destined, at a very early period, to afford a striking illustration of the faulty principles upon which rested our new

system of administration for the outposts of the Empire.

At the time of the conquest, with the exception of those occupying the few military establishments, which were situated far apart from each other, in the neighbourhood of the great lakes, there were no Europeans in Canada, west of the Ottawa. Its population, which was exclusively of French origin, was in the occupation of settlements, which stretched eastward of the Ottawa, and along both shores of the St. Lawrence to the gulf. The province underwent very little change in this respect until the breaking out of the American war, when many loyalists, outraged by the revolutionary aspect of the struggle, abandoned their homes and emigrated to Canada, settling themselves chiefly in that portion of the province, which became afterwards known as Upper Canada. A nucleus having been thus formed for an Anglo-Canadian population, accessions were yearly made to it, both from the Republic and the Mother Country. Such as emigrated from the Mother Country generally proceeded by the way of the St. Lawrence, the bulk of them ascending to the upper settlements, but some remaining behind and obtaining employment in the ports of Quebec and Montreal. At the same time Americans were penetrating from the more inhospitable districts of Maine and New Hampshire into the rich agricultural belt in Lower Canada, since known as the Eastern Townships, where their descendants are to be found to this day, the wealthiest and most

thrifty farmers in the province. Thus, whilst the wilds of Upper Canada were being rapidly appropriated by energetic English settlers, the Anglo-Saxon element had established itself in the population of the Lower Province.

Such was the state of things, as regards population, when partition was made of the province of Quebec. The difficulties in the way of colonial administration, at all times great, were considerably enhanced in the case of Lower Canada. It is bad enough when a Government has either two races or two creeds to deal with ; but its task becomes infinitely more difficult, when, within the same territory, it has to manage both two races and two creeds. Such was the task which the Government of Lower Canada devolved upon the Colonial Department. In fulfilling it, the department was eminently unsuccessful. The difficulties with which it had to contend, have been made its excuse. But this excuse will not hold, when it is considered that the department, by ignorance and mismanagement, immeasurably aggravated the difficulties. Their obvious existence should have led to the greatest caution and delicacy in the management of the province, whereas the course pursued was such as would have created them, had they not existed. From the very first, the French Canadians were undisguisedly treated as an alien race. Their submission to the British Crown had savoured more of capitulation than conquest, their laws, manners, and customs, having been guaranteed to them under the walls of Quebec. When a constitutional Go-

vernment was conferred upon the province, they had a right to expect that, as British subjects, their weight in the constitutional scheme would have been in proportion to their numbers and influence. But in this they were bitterly disappointed, and their disappointment in this respect was the fundamental error committed by the Colonial Department. If it was the intention of the Imperial Government to extinguish the political influence of the French race, nothing could have been more absurd than to confer upon them the semblance of a constitution. But having conferred upon them a constitution, the wisest course would have been to have carried it out, both in its spirit and its letter. This, however, was not done, and the Canadians soon perceived that, for them, the constitution existed only in name ; that it was a cloak which covered, on the part of their rulers, either a deliberate intention to crush them, or a callous indifference to their fate. This policy, under any circumstances unjust, might have savoured more of worldly wisdom, had there been reason to suppose that the Anglo-Saxon element of the population would have speedily preponderated numerically in the province. But the proofs of a contrary result were made manifest by the emigration of each year, nine-tenths of the emigrants making their way to the Upper Province ; and even to this day, the French is, to the English population of the province, as four to one. The disproportion was, of course, much greater, when the blundering expedient was resorted to, of governing the colony

exclusively through its British population. It was not long ere the Scotch party, so known from the fact of its principal leaders being Scotchmen, arose, and monopolised the political influence of the provinces. Almost every office of trust or emolument soon passed into the hands of the British population. The executive Government was at its beck, and the legislation of the colony was either moulded to meet its views, or impeded in obedience to its caprices. In fact a little Ireland was established on the banks of the St. Lawrence. And all this with a constitutional form of Government in the province, which placed one chamber at least of the legislature at the disposal of the proscribed race. The other, the Upper Chamber, like the executive Government, was in the hands of the English race. Here then were sedulously fulfilled all the conditions to a hopeless political antagonism. In the hands of the favoured minority were the executive Government, two branches of the legislature, and almost all the patronage of the province. In that of the proscribed majority was the popular branch of the legislature. It would have done violence to the established relation between cause and effect, had any other result ensued than that which followed this state of things. The two races soon came into collision with each other and made the capital their battle-ground. The breach once established, it was obvious that it must soon become incurable. The error was in permitting it to take place. The majority pressed with the strength of

numbers upon the minority; and the minority, backed by the Colonial Office, upon the majority. A chronic antagonism soon ripened into enmity and hatred, and the rebellion of 1837 was the result. The responsibility of that event rests with the Imperial Government. It was not the necessary consequence of a diversity of race and creed in Lower Canada, but of the deliberate aggravation, by the Colonial Office, of the administrative difficulties incident to such a diversity.

The story of the Upper Province differs from that of the Lower, less in its outline than in its details, whilst it tends still more forcibly to illustrate the shortcomings of the Colonial Department. There it had no excuse for mal-administration, founded on diversity of race or creed. Its difficulties were of its own sowing, and it has since reaped a plentiful harvest of them. Even were it possible for it thoroughly to acquaint itself with the wants and wishes of all the colonies under its control, the multiplicity of its duties almost necessitates the department to throw itself in conducting the domestic affairs of a colony into the hands of a local clique. This was the error committed in Upper Canada. When it was constituted into a separate Government, its inhabitants were promised a constitution which was to be the image and transcript of that of the Mother Country. In other words, they were promised Parliamentary Government, instead of obtaining which, they were almost immediately handed over to the tender mercies of a

local oligarchy. A party was speedily organised in the colony—the native Canadian party—which, from the intermarriages which took place in the families of its leaders, obtained a designation, which had, at one time, an important European significance. The Family Compact was to Upper, what the Scotch party was to Lower Canada. It soon appropriated to itself all the power and all the influence of the government. To strengthen itself and perpetuate its power, it conferred upon itself vast territorial possessions; almost every branch, limb, and twig of the great family tree acquiring immense tracts of wild land; and lest the estates thus acquired should be a burden to their possessors in the then existing generation, care was taken not to impose a tax upon unreclaimed land. It set its face against emigration, not that it was insensible to the advantage of having capital and labour introduced into the Province, but that it feared the emigration of talent and influence from the Mother Country, which might oust it of its authority. It created present bickerings, and laid the foundation for future dissensions, by embarking on a system of religious persecution, and appropriating for the endowment of the Episcopal Church one-seventh of the surveyed lands of the province, although it was obvious to every sane man, that an established Church would be as much an exotic in America, as a palm-tree would be in Nova Zembla. It also in the same spirit misappropriated the lands set apart for the purposes of education, by applying a

large proportion of them to the endowment of a magnificent University, as sectarian in its constitution as are our own Universities. It monopolised every office, and dispensed all the patronage of the government. It was, in short, the all and in all, wielding the government as its privilege, and managing the colony as its patrimony. As might have been expected, under such a system, a multiplicity of abuses soon sprung up. As population increased, these abuses were challenged, and the spirit of party soon developed itself in its most virulent form. The party in opposition, smarting under a sense of systematic and unmerited exclusion, and alarmed at the mal-administration of every department of the public service, attacked the party in power, by assailing the corruptions which it had engendered. But supported as the latter was by the home authorities, its opponents could make but little headway against it. Their policy, therefore, was to influence, if possible, the Colonial Department in their favour. But here again they found insuperable obstacles in their way. Their remonstrances could only reach the department through the hands of the local government, that is to say, their complaints could only be presented to the home authorities, by the very parties complained against. The consequence was, that, however well founded, their complaints were long unheard, and of all the departments of the government, the Colonial Office was the most uninformed, as to the real state of feeling and of parties in

Canada. This state of things gave rise to the establishment of parliamentary agencies, through which alone the case of the opposition in the two provinces was made known to the public and the government at home. Grievance accumulated upon grievance without redress, until at length the very hope of redress through constitutional means became extinguished in the breasts of many of the liberals. Thus stood matters in Upper Canada, when, in 1836, the reins of government were resigned by Sir John Colborne into the hands of Sir F. B. Head. The times were critical. The political horizon of Lower Canada was becoming daily more tempestuous, and affairs in the Upper Province were tending towards a crisis. It was obvious then that much depended upon the character of the new Governor. Who was he? Whence had he come? What were the antecedents which had qualified him for a charge so critical, both as to time and circumstance? The liberals waited, in almost breathless suspense for his first move. It was conciliatory. Three of the liberal leaders, Mr. Dunn, Dr. Rolph, and Mr. Baldwin, were added to the Tory cabinet, which had been left him as a legacy by his predecessor. But the hopes thus kindled were short lived, for, a few days afterwards, Toronto was thrown into a state of consternation by the retirement of the liberals from the council. The point upon which they retired produced the issue which soon afterwards provoked the contending parties to an armed collision.

The issue thus raised was that of responsible government. Sir Francis wished to make puppets of his cabinet. Its liberal members contended that they were responsible to the people for the acts of the government, and that the executive should not act without their consent. In the Governor's estimation, he alone was responsible, and maintained that his responsibility lay not to the people of Canada, but to the Imperial Government. In other words, the people of Canada were informed that no department of their government was directly responsible to them. Common sense was outraged by this declaration, and the capital was in commotion. The excitement soon extended itself throughout the province. Parliament was dissolved, and a general election ensued. By dint of intimidation and corruption, and by putting a false issue to the country, the government managed to secure a majority in the new assembly.

And here let me pause for a moment in this rapid narrative, to advert to the gross and systematic injustice, with which, up to this period, the liberal party in Canada had been treated by the Imperial Government. Having put itself entirely into the hands of the dominant clique in the two provinces, the views of the Colonial department were shaped by the representations of those who alone had its confidence. In Upper Canada particularly was the evil of this policy soon made apparent. Every movement made by the liberals against existing abuses was stigmatized by their

local detractors as movements towards rebellion and separation. The reformer was identified with the rebel, and to such gross and unfounded calumnies, the Colonial Department lent too facile an ear. Long before the most ultra-reformer meditated treason, the whole body of the liberals were proscribed, and treated as rebels in disguise. Governor after Governor was sent to the colony, the spirit if not the letter of the instructions furnished to each being, to treat one party as a connectionist, and the other as a separatist party. These instructions were but too punctually obeyed. The family compact, into whose hands the Governor unreservedly threw himself as soon as he arrived, not content with the monopoly of power, arrogated to themselves also the monopoly of loyalty. Appropriating to themselves the term loyalists, they branded their opponents as rebels. With less profession of loyalty on their lips, there was in the ranks of the liberals, as much devotion to British connection as was to be found amongst those constituting the antagonist party. Yet, the calumnies of that party were suffered to prevail; and strong in the support which they received from home, the ruling faction heaped insult and contumely upon those who were but honestly bent upon a reform of local abuses. Unmerited suspicion, if long persisted in, is very apt to beget in its victim the very vices with which it charges him. But although thus placed beyond the pale of imperial sympathies, and insulted from year to year by the dominant oligarchy in the

province, the Canadian liberals forgot neither their loyalty to the Crown nor their attachment to the empire. A few of them were driven into a rebellion, in which the great body of them abstained from taking any share; and if the loyalty of one party in the province is to be cherished more than that of another by the Mother Country, it ought to be that of those whose allegiance has been put to the severest tests, by long years of neglect, contumely, and oppression. In proof of the injustice thus wrought to the liberals, in furtherance of the selfish views of a dominant and insolent clique, we find that it is now to this very liberal party, so long charged with disaffection and disloyalty, that the Mother Country has mainly to look for the maintenance of her authority in Canada.

It was on this principle that Sir F. B. Head went to the country on the occasion referred to. The only real issue between the parties was whether or not the colony was to have the Parliamentary government which was promised it. But the false issue raised was whether the colony was to remain connected with the Mother Country or not. "No separation" was emblazoned on the electioneering banners of the Tories, and "no separation" was the cry at their electioneering meetings. But all this time, no one talked of separation but themselves. By means of this cry, however, and by other acts, the liberals were overborne, and the British government and people were cheated into

the belief that a great service had been rendered them by those, who were working only for themselves. The triumph which ensued elated the Tories, and exasperated the liberals. Never had the family compact been apparently so secure in its tenure of power, as during the session of parliament which followed, and during that of the subsequent year 1837. But the Scotch party in Lower Canada were now driving the French Canadians to desperation. In November 1837, it drove them to rebellion, and, in about a month afterwards, the flame of insurrection had spread to the Upper Province.

It is not my intention here to dwell upon this deplorable event ; I shall have occasion, by and bye, to refer to the parties who really participated in it. My object in the foregoing recapitulation of events has been to trace the rebellion in the colonies to its right source—the systematic misgovernment of the provinces. In Lower Canada, it was not the diversity of race which produced the catastrophe, but the deliberate aggravation of the difficulties incident to government, when different races have to be reconciled. In Upper Canada the difficulty of race did not exist ; and the mismanagement, which there characterised our colonial policy, was consequently all the more glaring. The case of Upper Canada illustrates that of the sister province. In both, the great bulk of the population were driven into a state of antagonism with the Colonial Department, by finding it the chief support

of the dominant and insolent faction, which in each trampled, with impunity, on every constitutional principle, and which continued to govern in defiance of parliamentary majorities, communities on whom had been conferred at least the semblance of parliamentary government.

It required some startling event, like the rebellion, to arouse the Colonial Office from its long dream of negligent security. There might be grievances to redress after all, and it was high time to inquire into the matter. The Earl of Durham was accordingly dispatched as Lord High Commissioner to Canada. The main object of his mission was to inquire into and report upon the real state of the provinces. It was then that, for the first time, was brought to light a mass of administrative corruption and iniquity, so enormous, and so aggravated, as to constitute it a virtue in any people to rebel against it. Those who applauded the resistance which was offered to the payment of ship money, and who justify the revolutionary attitude of the American colonies in 1776, could not have reasonably found fault with the Canadian people, had they risen, *en masse* from Gaspé to Amherstburg against their oppressors. Perhaps the most damning commentary of all, on the system which had been pursued is to be found in the fact, that one of the first of Lord Durham's many valuable recommendations was the concession to the Canadian people of that, the denial of which had been the proximate cause of the rebellion. The

concession, which he thus recommended, was that of responsible government.

It was well, perhaps, for Canada that it was reserved to another to carry out the recommendations contained in the report, to which Lord Durham's name was appended. The High Commissioner, for reasons not yet satisfactorily explained, suddenly relinquished his post, and the difficult task of Canadian administration was confided to the Right Hon. C. Poulett Thomson, afterwards Lord Sydenham. Possessed of great administrative abilities, of strong powers of discrimination, of quick perceptions, and of an indomitable will, a better selection, as Governor-General, could not have been made by the Colonial Office at so critical a juncture in Canadian affairs. Arrived in the Colony, he took at a glance the exact measure of his position, and, without delay, addressed himself to the great objects of his mission. In Lower Canada, the Constitution had been suspended since the outbreak of the rebellion, and the province was governed by the governor and his council. In Upper Canada, the family compact as usual endeavoured to possess themselves of the new executive; but they soon found that they had no longer to deal with a Gore, a Maitland, a Colborne, a Head, or an Arthur. For the first time, since the separation of the provinces, the *protégés* of the Colonial Office found their services dispensed with by the local executive. They were ignominiously dismissed as unfaithful stewards, and the Governor-General called to his council a new

set of men *possessing the confidence of the people*. It was then that the new party was originated, which, during the administration of Lord Sydenham, was known as the Governor-General's party. It comprised all the moderate supporters of both the extreme parties, receiving a qualified support from the most ultra reformers, whilst it enjoyed the unqualified hostility of the family compact, and the rump which still adhered to it. Having taken his measures in both provinces, Lord Sydenham next addressed himself to the great object of his government—the legislative union of the two. The difficulties in the way were great, and the means resorted to for their removal not the most scrupulous. But if ever the end justified the means, it did so in this instance. The task was accomplished, and on the same day on which was celebrated the union of Her Majesty with Prince Albert, was announced by proclamation from the capital of United Canada, the re-union of the two provinces, after nearly fifty years of political separation.

It is not my purpose here to comment upon the subsequent administration of Lord Sydenham. In some of its details, it gave umbrage to the more liberal section of his party; but, in its spirit and outline, his policy was great, comprehensive, and salutary. In all that he did, he had the good of the Province at heart, and he demonstrated his earnestness in his work by enjoining those around him, as his life was drawing prematurely to a close, to bury his remains in its soil. A plain stone

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slab, in front of the altar in St. George's Church, Kingston, marks where he lies ; and I am not ashamed to confess that I have shed tears of honest emotion over the grave of this truly noble character, and great benefactor to Canada.

On the death of Lord Sydenham, the administration of affairs devolved *ad interim* on Sir Richard Jackson. During the brief period for which he administered the affairs of the province, parties gradually underwent a new evolution. During Lord Sydenham's government, the discomfited factions in the two sections of the Province had been in a state of restless activity, and they gained fresh strength by the dissolution, on his death, of the party which he had rallied around him. They cajoled many of his conservative followers back into their ranks, and by the arrival of Sir Charles Bagot, as Governor-General, they constituted a compact and somewhat formidable opposition, under the leadership of one, whose opposition would be of more value to any party than his support, the notorious Sir Allan McNab. From the date of the Union, the more liberal wing of the reform party in Canada West (as Upper Canada was now called, Canada East being the new designation of the Lower Province), made common cause with the Lower Canadian liberals, the latter being chiefly composed of the French Canadians. The result of the new combination, on Lord Sydenham's death, was that this party soon attached to itself such of the Governor-General's party as

had not gone over to the Tories, that is to say, the great bulk of that party. Thus matters stood when Sir C. Bagot was inaugurated Governor of the Province.

It was during the government of this honest and straightforward administrator, that the liberals, for the first time, acceded to uncontrolled power in the province. Proscribed and insulted, as they had been for half a century, stigmatised as rebels, branded as traitors, and accused of disloyalty and of every species of political crime by their opponents, a noble opportunity was thus afforded them of practically giving the lie to the multiplied calumnies and aspersions disseminated against them in the province, and too readily credited at home. And how did they use it? This, the result of their government will show. Never was Canada more tranquil, more contented, more flourishing, more loyal, more devoted to British connection and institutions, than under this liberal administration. Responsibility was the practice, and no longer the mere theory of the government. The province at length enjoyed and appreciated the advantages of parliamentary government, and the voice of complaint was unheard, save from those who had nothing to hope from the development of parliamentary institutions. Delightful to him who descends the St. Lawrence, is the sensation of quiet and repose which he experiences when he enters upon the still waters at the foot of one of the rapids; and equally delightful is it to the

student of Canadian history, to contemplate this tranquil episode in its turgid annals. It would have been well for the province, had it lasted longer. The Governor's health failed him, but he stuck, to the last, to his post. Sir Charles Bagot left England a Viceroy and returned to it a corpse.

Lord Metcalfe succeeded him. It is difficult to say what are the positive instructions with which a Governor leaves Downing Street for his post. Lord Stanley best knows with what precise intent Lord Metcalfe was despatched to Canada. This, at least, is known, that, from the moment of his arrival in the Canadian capital, the reign of reaction commenced. The Tories were quick in perceiving and availing themselves of their opportunity. Prostrate, beyond all hope of recovery, so long as responsible government had fair play, they rallied with renewed hopes the moment they perceived that the local Executive, backed by Downing Street, was inclined to favour them. The old *regime* was once more possible, and they made a bold push for the recovery of their lost privileges. By means of artifices, similar to those formerly used, they succeeded in their attempt, and the astounding spectacle was once more exhibited in Canada, of a party, having the sympathies of the great bulk of the people, being dispossessed of power by a faction having no real hold on the country, but sustained by extraneous aid.

For a time, Lord Metcalfe went on with the liberal Cabinet of his predecessor. But it soon

became manifest that there could be no cordial co-operation between the Governor and his council. It was afterwards evident that, from the very first, he was determined to displace them. With this intent, he first fostered petty disagreements between his cabinet and himself, and having thus established between them a habit of quarrelling, it was easy for him, at any moment, to precipitate an open rupture. Nor was this long delayed. Following in the footsteps of the notable Sir F. B. Head, the Governor at length ventured upon the unconstitutional ground of making important local appointments, without consulting his council. Against this they remonstrated, both as indecorous, and as plainly incompatible with their position as responsible ministers. But it was the policy of the Governor to drive them from power, and their remonstrances were, of course, unattended to. Mr. *Baldwin*, the head of the Cabinet, was one day accosted by a gentleman, in the streets of Kingston, and thanked for an important appointment, which had just been conferred upon him by the Executive. The astonished minister frankly confessed that he had not only not recommended him, but that he had not been consulted in the matter. This produced a crisis, and the ministry retired.

The Tories were now masters of the Government. A new administration was formed, the head and guiding spirit of which was William Henry Draper, now a Judge in Canada West. A dissolution of course took place, and the new Government ap-

pealed to the country. The old cry of "no separation" was again raised, by the aid of which, together with an unscrupulous use of Government influence, the Cabinet met Parliament with a small majority in their favour. To check as much as possible his aptitude for mischief, Sir Allan was made Speaker of the House. Although thus kept out of the Cabinet, he was, nevertheless, a confidential adviser of the party. It was not long, however, ere the new Government developed, in all their intensity and magnitude, the venality and corruption which characterised it. Its majority became smaller and smaller by degrees, until it at length found itself in a minority in its own Parliament. There were, then, but two constitutional courses open to the Ministers, either to retire, or to dissolve Parliament, and appeal again to the people. But what cared they for Parliamentary majorities, so long as they had the local Executive and the authorities in Downing Street to sustain them? They, therefore, held on long after it was obvious that they had lost the confidence of the country. Nay more, their conduct became so outrageously indefensible, that they found it impossible, when some of its members retired, to complete the Cabinet, although they left no artifice untried to fill the vacant places. For nearly two years was the scandalous spectacle exhibited to the world of the mere fragment of a Cabinet governing, in the teeth of a hostile Parliament, a colony on which a constitutional Government had been conferred.

Such was the state of things when Lord Metcalfe relinquished his post, and returned home to die.

At this juncture the Oregon controversy was pending, and the relations between England and the United States were of a critical description. It was, therefore, thought advisable to nominate, as Lord Metcalfe's successor, a military Governor. The Earl of Cathcart was appointed to the vacant post. The storm, however, passed without bursting. As he was appointed with a view to a crisis, of which there was no longer any apprehension, he petitioned to be relieved. Regarding himself merely in the light of an *ad interim* administrator, he abstained as much as possible from mixing himself up in political affairs, and left parties precisely as he found them.

Such was the position of affairs in Canada when the arduous duties of Governor-General were devolved upon Lord Elgin. On arriving at Montreal he found the fragment of the Tory Cabinet still in office. His instructions were evidently the reverse of those given to Lord Metcalfe; and he proceeded to carry them out with a zeal and in a spirit which reflect honour alike upon himself and those who appointed him.

He soon found it impossible to carry on the Government by means of the Ministry bequeathed to him. At the close of 1847 he dissolved Parliament, and made a *bonâ fide* appeal to the people. They responded to him with enthusiasm, and re-

turned an overwhelming liberal majority. Not only was the entire French representation adverse to the Ministry, but so also was that of Canada West, the population of which is exclusively Anglo-Saxon. The emasculated Draper ministry at length retired, and the present, the Baldwin-Lafontaine, Cabinet acceded to power.

To the general reader much of the foregoing may appear uninteresting ; but it was necessary, to enable him thoroughly to understand the present views and distribution of parties. It will help him to appreciate the exact position of the faction in opposition, and the objects of, as well as the materials of which is composed, the great united liberal party in power.

To place in its true light the question raised by the Rebellion Losses Bill, it will be necessary again to go back a little, with a view to taking up a new thread of the narrative.

The insurrection in both provinces was speedily crushed, the number in arms being insignificant. The country, however, was kept in a state of feverish excitement for some months afterwards by the piratical incursions of American sympathizers. The bandits were repelled, and some of their leaders captured and hanged. Both the rebellion and the piratical expeditions which followed it occasioned, with considerable loss of life, no little destruction of property. In Lower Canada, where the insurrectionary movement was most formidable, the loss was greatest, both of life and property ; but, in both provinces, the destruction of the latter was, to

a great extent, wanton and unnecessary. In Upper Canada, the loyalists celebrated their first triumph by a conflagration; but the burning of Montgomery's tavern was, as compared with other incidents in the drama, an excusable event. Situated within four miles of the capital, it was, for four days, the head-quarters of the rebels. When the loyalists at length sallied forth and dispersed them, it is no wonder that they revenged themselves for their fright, for the trouble to which they were put, and the risks to which they were subjected, by firing the obnoxious caravansera. But nothing can justify subsequent burnings, such, for instance, as that of Mr. Gibson's house, four miles further back. The owner was, no doubt, implicated in the rebellion; but his house had neither been made a fortress, nor a rallying-point for the insurgents; yet it was wantonly burnt to the ground by the express order of Sir Francis Head. So unnecessary was this act of sheer vengeance, that the Governor more than once countermanded his own order for its commission. The commanding officer of the day, Colonel Fitzgibbon, remonstrated with him against it; and when at length the final order was given him, he was obliged to superintend its execution himself the militia officers under his command actually refusing to carry it into effect. I mention this, not as an isolated case, but as indicating the manner in which, in the hour of their triumph, the family compact gratified their vengeance, and gave expression to a superfluous zeal, by the unnecessary destruction of property.

The destruction of property which occurred both necessary and wanton, fell not alone upon the rebels. Numbers who took no part in the rebellion, as well as some who were actively engaged in suppressing it, suffered in this manner. Very little time was permitted to elapse after its suppression, ere steps were taken in both provinces for the indemnification of the sufferers. In Lower Canada, where the constitution was still suspended, an ordinance was issued in 1838 by the Governor and Council appointing Commissioners to inquire into and report upon the losses sustained by the loyal inhabitants of the province during the rebellion. Considering in whose hands the province still was, it is evident that by the loyal sufferers was meant those attached to the dominant clique, who had suffered. The Commissioners, in their fourth and fifth Reports, return as good claims not amounting in all to £.10,000. By a subsequent Act, provision was made for the payment of these claims. In Upper Canada similar measures were taken, but through more constitutional channels. On the 6th of March, 1838, an Act was passed authorising the appointment of Commissioners "to investigate the claims of certain inhabitants of this province for losses sustained during the late unnatural rebellion." However deplorable—the rebellion, considering the circumstances of the case, was quite natural. In its first enacting clause, the Act thus specifies the main duty of the Commissioners—"to inquire into the losses so sustained by Her

“ Majesty’s subjects during the late unnatural rebellion.” How sustained? The preamble will explain. “ Whereas, during the late unnatural rebellion, certain inhabitants of this province sustained much loss and damage by the destruction of their dwellings and other buildings by the rebels,” &c. This Act was introduced but a few months after the suppression of the insurrection, and was at the time regarded as having in view the indemnification of some loyalists *par excellence*, in other words, of some Tory partisans, whose property had been either wholly or partially destroyed by the rebels. The Commission was appointed, and claims were entered and adjudicated upon.

It was whilst the Commission was in progress that the House of Assembly hit upon the notable device of throwing, if possible, the burden of the losses upon the Imperial Treasury. It will be recollected that this was the House, which was elected in 1836 under the auspices of Sir F. B. Head, and which represented, not the country, but the compact. It passed a very loyal and dutiful address, praying Her Majesty to make the people of England pay for losses which were the consequences of its own misdeeds. In reply to the despatch from Sir G. Arthur, transmitting him this address, Lord Normanby, then Colonial Secretary, expressed Her Majesty’s regret that she could “ hold out no hope ” that so notable a proposition would be complied with. Lord John Russell, subsequently in a despatch to

the Right Hon. C. P. Thomson, Governor-General, alluding to the address in question, observes, that the Lords of the Treasury, after considering the matter, had decided "that the circumstances under which the losses in question had been incurred, are not such as to warrant an application to Parliament for the indemnity prayed for."

The Commission in question having been empowered simply to inquire into losses sustained by the rebellion, it became necessary in 1840, to pass another Act, enabling the Governor to appoint Commissioners in each district, to inquire into such losses as were entailed upon various parties, by the piratical incursions of the American sympathisers. These Commissioners were empowered to inquire into the "losses sustained by Her Majesty's subjects, and other residents within this province." At the same time, a sum not exceeding £.40,000 was granted to defray these losses, when made good. The Act is intitled, "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasion of this province." Here no discrimination was made other than that between the actual rebels and those who were not in arms against the Government. There is no attempt made to exclude those from the benefit of the Act, whom the *soi-disant* loyalists might choose to suspect of having been implicated in the rebellion, or of having had political sympathies with those who had rebelled. But if such a distinction was in-

tended to be taken by the framers of the Act, we find it rendered impossible by the letter and spirit of a subsequent Act passed on the 17th of August, 1841, by the legislature of United Canada, for the purpose of extending and enlarging the last-mentioned Act. Much of the damage incurred in both provinces, particularly in Lower Canada, was the wanton work, not of the rebels, but of the loyalists, who, in wreaking their vengeance upon the rebels, destroyed the property of many Liberals, whom they suspected of having political sympathies with them. To meet such cases, this Act further empowered the Commissioners to inquire into the validity of "claims and demands which have accrued to any such persons (Her Majesty's subjects and other residents) by such losses, in respect of any loss, destruction, or damage of property occasioned by violence on the part of persons in Her Majesty's service, or by violence on the part of persons acting or assuming to act on behalf of Her Majesty," &c. The Commissioners thus empowered proceeded with the inquiry, and thus matters stood until 1845, when, during the government of Lord Metcalfe, and when the present Canadian opposition were in power, another Act was passed authorising the issue of debentures for the final settlement of the claims.

This recapitulation of the course of legislation with regard to Upper Canada, was necessary to show the precise character of the present Bill, and the exact position of parties with respect to it. It

is a course of legislation which was both initiated and completed by the Tories. Viewed apart from all consideration of motive, it reflects the reverse of discredit upon them. It enabled all who had suffered by the rebellion, except such as were taken in arms, or convicted of treason, or who had confessed their guilt, to claim compensation for their losses. Not a voice was raised against it, and no one dreamt of objecting to it, as discouraging loyalty and rewarding rebellion.

We have already seen that, at a very early period, a movement of a similar nature, but to a limited extent, had been made in Lower Canada. It was obvious, however, that strict justice required that both provinces should be dealt with alike. But no matter what might be the justice of his claim, the bare idea of compensating a French Canadian was distasteful to the British faction in Lower Canada, particularly the clique, which ruled it in Montreal. It was not long, however, after their accession to power, as already explained, under Lord Metcalfe, ere they and their Upper Canada allies began to feel the want of Parliamentary support. Their majority was dwindling away, and the disagreeable alternative was presented to them of a speedy retirement from office, or a violation of the Constitution. They had but two sources whence to recruit their failing strength,—either from the Anglo-Saxon population of the Upper, or the French Canadians of the Lower Province. From the former, for the time being at

least, they could expect no support whatever. In this emergency they did not scruple to lay regular siege to the latter.

How to buy them over was the difficulty. They are accused of having, for this purpose, recalled Papineau, the "arch-traitor," from Paris. If they did, they reckoned without their host, for his influence with his countrymen was gone. His mantle had fallen on Lafontaine; and, judging of the corruptibility of others from their knowledge of themselves, they even attempted to gain him over. With this view, they went so far even as to meditate a virtual repeal of the Union. They contemplated a system of double majorities in a united Cabinet, by which the English Members should rule the Upper, and the French the Lower Province. It was, of course, with the Upper Canada Tories that this scheme chiefly found favour. They failed, however, in their object. The French were true to their liberal instincts, and remained faithful to their Upper Canada allies. If the Tories could not attach to themselves the whole French interest, they thought they could divide it; and with this view conferred upon M. Viger the Presidency of the Council. But he had no weight in the scale against Lafontaine, and here, too, they were foiled. It was for the same object, to acquire popularity and support amongst the French, that they at length hit upon the device of indemnifying the sufferers by the rebellion in Lower, as they had already compensated those in Upper Canada. The

reader may be surprised at finding that this very measure of indemnification, which is now exciting such a ferment in the Province, was originated by those who are at present so violently opposed to it. How far that which they proposed was identical with that which the Liberals have since carried out, will be seen by still further pursuing the narrative.

The measure was one of justice; but it was notorious that with them it was one of policy. The first step taken towards it, was on the 28th of February, 1845, when an address to Lord Metcalfe was moved by them, and unanimously adopted by the Legislative Assembly, praying that His Excellency would be pleased "to secure proper measures " to be taken, in order to ensure to the inhabitants " of that part of the Province, formerly Lower " Canada, indemnity for just losses by them " sustained during the rebellions of 1837-38." This was precisely the object contemplated, as regarded the Upper Canadian sufferers, by the Act introduced, as already alluded to, by the family compact into the Parliament of Upper Canada in October 1840, and extended and enlarged by the Act of the subsequent year, passed by the legislature of the United Provinces. We have already seen that the former Act, as extended and enlarged by the subsequent one, was, in its scope and object, just and reasonable—those only being excluded from the benefits of its operation, who were either convicted of treason, or notoriously or confessedly

traitors. That, therefore, which was contemplated by this address, voted to Lord Metcalfe under the auspices of his Tory Cabinet, with respect to the Lower Canadian sufferers, was identical with that which had been done by the same parties in regard to the sufferers in the Upper Province. No one raised a word against a proposal which was both reasonable and just, and had the sanction of a precedent. If there was any difference of opinion respecting it, it concerned, not the proposition itself, but the motives in which it had originated.

The next step taken was on the 24th November, 1845, when a Commission of five was appointed, to carry out the prayer of the Address. On the 18th of April, 1846, the Commissioners report "that the want of power to proceed to a strict and regular investigation of the claims in question, left them no other resource than to trust to the allegations of the claimants as to the amount and nature of their claims." Previously to this, however, that is to say, on the 27th February, 1846, the Earl of Cathcart then administering the affairs of the Province, the provincial secretary informed the Commissioners "that the object of the Executive Government in appointing them was merely to obtain a general estimate of the rebellion losses, *the particulars of which should form the subject of more minute inquiry hereafter, under legislative authority.*" Claims to the amount of upwards of £.200,000 were preferred to the Commission. Of these a large proportion was declared

to be speculative and inadmissible. The rest were received, and a round sum was named by the Commissioners as their "general estimate" of the extent of the losses, for which indemnity might be claimed. In the Report of the 16th of April, 1846, in which they allude to the limited nature of their powers, they say, *inter alia*, that they "are of opinion that the sum of £.100,000 would be nearly equivalent to the losses suffered, and sufficient to meet the amount of such claims as shall have been made the object of a closer examination."

It is desirable that the reader should bear in mind that, so far, the matter proceeded under the sole auspices of the Draper Government,—that is to say, of the party now headed by the McNabs, the Sherwoods, the Cayleys, and other political characters equally respectable. But they were again baffled in their great object, that of obtaining French-Canadian support. That they were impelled by this motive to what they did, and not by a sense of justice, is obvious from the fact that the matter was dropped the moment that its party inutility was put beyond a doubt, no further steps being taken in it, although the Tory Cabinet remained for nearly two years longer in power. When the Liberals acceded to office, then, matters stood thus. The sufferers in Upper Canada had been indemnified on a principle, and to an extent of which no one thought of complaining. Steps were afterwards taken by the Tories to indemnify the sufferers in Lower Canada, on the same principle, and to the

same extent ; but this second measure of indemnification, just though it was admitted to be, was suspended, ere it was matured, and simply because it became obvious that its completion would fail in effecting the sinister object for which it had been undertaken.

Lord Elgin was not long in discovering the anomalous position of the Cabinet which had been bequeathed to him by his predecessor. Its existence, long after it had lost the confidence of the country, was a scandal on the Constitution. Desirous of carrying honestly out the principle of responsible Government to which he was instructed to adhere, Lord Elgin, about the close of 1847, gave it an opportunity, by dissolving Parliament, of strengthening its position, if it had any hold whatever upon the country. The election which ensued was conducted under the auspices of the Tory Government ; and yet, as Lord Elgin remarks in his admirable despatch, on the first vote raising a question of confidence in them, they were defeated in the new Parliament by two to one. Their consequent retirement was welcomed by one universal shout of satisfaction, from Lake Huron to the Gulf.

The Baldwin-Lafontaine cabinet succeeded, and Lord Elgin found himself, at length, surrounded by men sustained by a working parliamentary majority. They had much to do ; for two years of irresponsible rule had left the business of the Province greatly in arrear. Even had they been disposed to shrink from it, it is not likely that they

could long have postponed carrying into effect the pledge of indemnity given by the preceding Government to the Lower Canadians. But they were not so disposed, and took the earliest opportunity that offered for providing for their indemnification. In doing this, did they start any new project of their own, based upon a new principle of compensation? So far from this, *they simply took up the measure of the Tories, just where the Tories had dropped it.*

The first public step was taken by them in Parliament on the 27th of February last. On that day was submitted to the House a series of resolutions, preparatory to the introduction of a bill, the submission of which was the signal for the iniquitous agitation which has since disturbed the tranquillity of the Province. To judge aught of the conduct of the opposition, a brief consideration is necessary of the nature of the resolutions.

They were seven in number. The first four merely recapitulated the steps already described, as having been taken by the Tories for the indemnification of the sufferers in Lower Canada, from the address voted by them to the Governor, to the final report and recommendation of the Commissioners. The sixth provides for the means of paying the indemnity; the seventh having reference to debentures issued under a former Act. The fifth and main resolution was as follows:—

Resolved,—“ That in order to redeem the pledge
 “ given to the sufferers of such losses, or their *bond*
 “ *fide* creditors, assigns, or *ayant droit*, as well
 “ by the said Address of the said Legislative

“ Assembly, and the appointment of the said Com-
 “ mission, as by the said letter so addressed by the
 “ Honourable the said Provincial Secretary, it is
 “ necessary and just that the particulars of such
 “ losses not yet paid and satisfied, should form the
 “ subject of more minute inquiry under Legislative
 “ authority; and that the said losses so far only as
 “ they have arisen from the total or partial unjust,
 “ unnecessary or wanton destruction of the dwell-
 “ ings, buildings, property and effects of the said
 “ inhabitants, and by the seizure, taking or carry-
 “ ing away of their property and effects, should be
 “ paid and satisfied: Provided, that none of the
 “ persons who have been convicted of high treason
 “ alleged to have been committed in that part of
 “ this Province formerly Lower Canada, since the
 “ first day of November, 1837, or who, having
 “ been charged with high treason, or other offences
 “ of a treasonable nature, and having been com-
 “ mitted to the custody of the Sheriff in the Gaol
 “ of Montreal, submitted themselves to the will and
 “ pleasure of Her Majesty, and were thereupon
 “ transported to Her Majesty’s Island of Bermuda—
 “ shall be entitled to any indemnity for losses sus-
 “ tained during or after the said Rebellion, or
 “ in consequence thereof.”

If what has just been related be correct, and it
 cannot be disputed, it is evident that had the
 Ministry anticipated any resistance to the course
 which they were taking, the Opposition must have
 been the last source whence they could have
 expected it to emanate. It was the measure con-

templated, and partly executed by themselves when in power, and taken up by their successors at the point where they had dropped it. Instead of resistance, the Ministry had every reason to look for the most strenuous support from the occupants of the opposition benches. Yet no sooner did they move in the matter, than the opposition adopted a line of conduct, without a parallel even in the most discreditable annals of party. The most violent resistance was at once offered to the resolutions; and not only this, but from the very first the most menacing language was resorted to, accompanied by a degree of ferocity and a recklessness of consequences, which would have been disgraceful to a horde of savages.

As the first four resolutions merely affirmed a series of occurrences, yet fresh in the recollection of all, it was natural to suppose that they, at least, would have passed unresisted. But not so; for on the first resolution being put, an endeavour was made to falsify the whole. Mr. Cayley moved an amendment to the effect, that it was in order to ascertain the losses suffered by the *loyal* inhabitants of the Province, that the Address alluded to had been voted to the Governor. As it never was in the contemplation of any one to indemnify actual rebels, the scope of this amendment finds its only illustration in the spirit of the mover and his clique, Mr. Cayley being one of those who confine loyalty in Upper Canada to the adherents of the Family Compact, and to those of the Scotch party in the Lower Province. This being well under-

stood by the House, the amendment was rejected by a vote of fifty-two to twenty; its object being to exclude from the indemnity a large body of French Canadians, against whom no treasonable charge had been, or could be preferred. The amendment having been negatived, the first four resolutions were agreed to, the vote, as before, being fifty-two to twenty. The great battle was of course on the fifth resolution. Notwithstanding that its object was to redeem the pledge given by themselves, and to subject, as contemplated by themselves, to "more minute Legislative inquiry," those claims, of which their own Commission was empowered to make but a "general estimate," it was resisted in a manner, which argued that the opposition had either lost their memories, or had become callous to all sense of shame or decency. An amendment was moved to it by the same Mr. Cayley, similar in spirit to the other amendment, which was also rejected by the House, the vote being fifty-one to twenty-one. Mr. Robinson, brother to the Chief Justice of Upper Canada, the root and trunk of the family tree, then moved an amendment, to exclude from indemnity any person "in any manner implicated in the said rebellion," &c. This, Mr. Robinson and his party being the interpreters, would have embraced all those who had had political sympathies with the rebels previous to the outbreak. This amendment was also rejected, by a vote of forty-six to twenty-six. Another amendment was moved, excluding all who "aided, assisted, or abetted the said rebellion."

This was also levelled against the whole body of the French Canadians, and like its predecessors, was rejected—the vote in this instance being forty-four to twenty-eight. Colonel Prince then moved an amendment, limiting the indemnity to loyalists “and none others.” The whole object of the bill would have been lost were the task of distinguishing the loyalists from the “none “ others,” to have devolved on this *quondam* Cheltenham attorney. The amendment was negatived by a vote of fifty-two to seventeen. No further impediment was offered, and the fifth resolution was finally agreed to by a vote of forty-eight to twenty-three. The sixth and seventh were afterwards agreed to, whereupon Mr. Lafontaine introduced a bill founded upon the resolutions.

Nothing can be more unreasonable than the charge preferred against the Cabinet and their parliamentary majority, by the local opposition and their abettors at home, that, by resisting these amendments, they evidenced their determination to extend the indemnity to those who had actually been guilty of treason. It must be borne in mind that, if their opponents objected to the resolutions because they might *include the guilty*, they resisted the amendments, because their object and tendency was to *exclude the innocent*. It was during the discussion on those amendments that Mr. Blake, the Solicitor-General for Canada West, made that powerful, eloquent, and convincing speech, which exposed the selfish and unscrupulous conduct of the opposition in a manner which well nigh drove

them to desperation. But, independently of the reasons which existed for opposing the amendments, a sufficient refutation of the calumny alluded to is to be found in the very terms of the fifth resolution.

By the last section of it two classes of persons are expressly excluded—those who were convicted of treason, and those who, having confessed their guilt, were sent temporarily to the Island of Bermuda, by Lord Durham. The Government contemplated nothing more than compensation for *just* losses, sustained during the rebellion. Such was the compensation given in Upper Canada, under the auspices of the opposition, when in power, none having been excluded then, but such as had been actually guilty of treason. Such, also, was the compensation contemplated by the same opposition when in power, for the sufferers in Lower Canada, their intention having been to exclude none but such as had been actually guilty of treason. But they were not now satisfied that their own precedent should be followed out, or their own intentions carried into effect by their opponents. They could not urge that either the precedent or the intention had been departed from. Their alternative was to imagine a sinister motive on the part of the Cabinet, and ostensibly to base their opposition upon their own disinterested suspicions. “Look,” cried they, “not to the measure itself, but to those “who propose it.” They alleged that the Cabinet was French Canadian, and rebel, and that its object was to tax the loyalists for the benefit of French Canadian rebels. How far they were

correct in saying that the Cabinet was French will be afterwards considered. And who were the rebels which this French Cabinet was thus accused of favouring? In the estimation of the Tories, every French Canadian claiming indemnity was *primâ facie* a rebel. They, therefore, insisted that before receiving indemnity his conduct, for the last twelve years, should be inquired into, a course which, if pursued, would have infused additional acerbity into the rekindled political animosities of 1837. No such odious inquisition was made a condition to indemnity in Upper Canada; nor was such contemplated for the Lower Province, by the opposition, when they originated the present measure. They acted in the one case, and proposed to act in the other, on the prudent principle of letting by-gones be by-gones, and of excluding from the indemnity only those who had been shown to have been actually guilty of treason, either by conviction or confession. They would not, however, permit their opponents thus to act, but recklessly urged them to a course, which, if pursued, would have been perilous to the peace of the Province. As the bill progressed through its different stages the conduct of the opposition became more and more outrageous, and the agitation which they excited was sustained by riots and monster meetings. But, notwithstanding the resistance offered in parliament and out of doors, the bill passed by large majorities, whereupon it was sent to the Governor-General for approval. It was evident that his Excellency had, under the circumstances,

but one course to take ; and the excitement was kept up, not so much to dissuade him from approving of the measure, as, if possible, to hoodwink the British Government and public. The Royal assent was given to the bill by the Governor-General on the 25th of April, when the English rabble of Montreal were incited by their leaders first to insult the Queen's representative, and afterwards to the commission of those acts of riot, pillage and arson, which appropriately consummated an agitation iniquitous in its conception, treasonable in its tendencies, and reckless in its conduct.

The reader will here pause to observe that conduct so extraordinary on the part of a set of men affecting to have the slightest regard for the decencies of political warfare, must have been prompted by some extraordinary motive, which requires explanation. To those acquainted with the position of the faction, and the character of those who lead it, the explanation is an easy one. From first to last, their whole conduct resolves itself into a reckless attempt at regaining power.

It may be mortifying to many in this country, who have been led away by the pretence that the question was one of imperial concern, to find that, after all, they have been but betrayed, more or less, into playing the game of a despicable and desperate provincial faction. But so it is, nevertheless—the whole affair on the part of the Canadian Tories having been neither more nor less than a reckless party evolution. The illustration of their tactics is to be found in the explanation, which has already

been given of the conduct and relative positions of Canadian parties. Most of the Tory leaders being needy, penniless opposition was found to be excessively inconvenient. But Lord Elgin's evident determination to adhere strictly to the principle of responsible Government, had postponed, indefinitely, their prospects of a return to power. Having but little chance with the new principle of Government, their only resource was to endeavour to revert to the old—in other words, the unjust, odious, and exploded principle of enabling the minority, backed by the Colonial Office at home, to override the majority in the province. This, whilst the true, is also the most respectable explanation that can be given of their conduct. It was for this, and this alone, that they endeavoured by seeking to invest the question with an imperial character, to excite sympathies favourable to them in the Mother Country. At first they were not altogether unsuccessful, but the tide has now turned hopelessly against them.

The *Morning Chronicle* was the first to sound the tocsin at home. That journal, usually so discriminating, either could not or would not see that rebels being expressly excluded from the proposed indemnity, the question resolved itself into one of mere local import, and that in dealing with it, the Canadian people should be left entirely to themselves. Nor would it admit the mere party character and objects of the agitation, which the question had excited, although it was notorious, from first to last, that the line of demarcation between the

two parties, was singularly coincident with that which separated them at the last general election. It, at once, took up the question, as an imperial one, and in contending for the dignity of the Crown and the integrity of the Empire, neither of which were in the slightest degree compromised, warmly espoused the cause of the *soi-disant* imperialists in the province, with "annexation" on their lips.

But on what ground is this assumed to be an imperial question? The bill merely contemplates the appropriation of local funds for a local purpose. If treason were to be rewarded by it, the case would be different. But as the proposed compensation, like that given in Upper Canada, is only to embrace just losses, it cannot be said that treason is to be rewarded by it. Besides, the time for taking exception to it, as an imperial question, is past. If there is anything, either in the principle or in the objects of this bill, incompatible with the dignity of the Crown or the interests of the Empire, so also was there that which was equally exceptionable in the Upper Canada Bill passed by the Tories, and likewise in the course which they afterwards pursued, in initiating the measure for the Lower Province. How was it that objection was not then taken? Simply because no good ground for objection existed. And if none existed then, none exist now. To oppose this bill on the ground of its being objectionable, in an imperial point of view, is only on the part of the abettors of Canadian Toryism at home, to stultify and inculcate their provincial *protégés*. But it may be said that an

oversight committed in the one case does not justify its repetition in the other. But there was no oversight. In the former, as in the present case, the question was simply a local one, and it was treated as such, both in the colony and the Mother Country. And this would have been similarly viewed by all parties; but for the exigencies of a desperate faction, and it is of the last importance that the imperial authorities should refuse to further the views of that faction, by recognising a difference between the two cases, a difference, which, if it have any foundation on which to rest, must solely rest upon the dangerous one of distinctions of race.

It would be amusing, were it not also somewhat painful to witness the readiness with which many here, who have aided and abetted the factious movement in the province, fell into the trap there laid for them, by the cry of "No compensation to French rebels." The object of this cry was twofold, to rouse, if possible, a hostile feeling between the two races in the province by which the Tories might profit, and ride into power, and to secure for them, in case the first object should fail, the support of the home authorities, by exciting the sympathies of their kindred in the Mother Country. They are now as likely to fail here, as they have already done in the province; although the public mind here seemed for a moment to be favourably disposed towards them. Such of their organs as were carried away by the "French Rebel" cry,

accused the present cabinet of being a French Canadian Cabinet. This was tantamount, in their estimation, and it was meant as such, to designate them a rebel cabinet. The *sequitur* here is neither complimentary nor logical. But what is meant by the assertion that the cabinet is French Canadian? If it mean that the cabinet has the support of the great body of the French Canadian population, it may be so—but if it mean that the men composing the cabinet, or the majority of them, are French Canadians, or that it has no support but that which the French Canadians give it, the assertion is utterly groundless. The cabinet, as will presently be shown, commands the confidence, not only of the French Canadians, but also of the bulk of the Anglo-Saxon population of the province, whilst a large majority of those composing it are of Anglo-Saxon origin, representing Anglo-Saxon constituencies. The supposed taint arises from their being some French Canadians in the cabinet, and from its being supported, out of doors, by the French Canadian people. But if this constitutes it a conclave of rebels, what are we to say of the cabinet which preceded it? If Baldwin is associated with Lafontaine, so was Draper with Viger. This last named gentleman was not only suspected of being a traitor, but was actually in gaol as such, and with the exception of Papineau, who had fled, there was no man, for whose blood the loyalists *par excellence* of Lower Canada, so much thirsted as for Viger's. Yet this man was

President of the Council, during the Draper administration. Nor was he the only Frenchman associated with the British Tories. So far, then, as the mixed constitution of the Cabinet went, that of Mr. Draper was as much a rebel Cabinet as is that of Mr. Baldwin. If it was not so much so as regards the sources of its support out of doors, it was not for want of the will, but of the ability to complete its infamy. I have already drawn attention to some of its devices, for the purpose of conciliating the French population. From whatever motive Papineau was recalled, certain it is that, after his return to the province, the Tories lavished every favour upon him, in order to secure the support of his countrymen. The worst case that the *Chronicle* could make against the proceedings of the present Government was that, under them, such men as Papineau and M'Kenzie could receive compensation. Even were there grounds for such an allegation, it came but ill from a quarter in which the battle of Canadian toryism had been so obstinately fought. Papineau fled, a proclaimed traitor, from Canada. He was recalled by Lord Metcalfe's Government—the present opposition. On his return, he entered into the quiet enjoyment of his property, which had never been confiscated. He was also restored to all political rights, forfeited by treason, and is now, once more, a representative of the people. Nor was this all. As Speaker of the House of Assembly, his salary had, previously to the rebellion, got considerably into arrear. At

the time of the outbreak, the Government which proclaimed him a traitor, owed him, in this respect, upwards of £.4000. Of course this little account was also forfeited by treason; yet it was paid to him nevertheless, and by the *Chronicle's protégés* in Canada. And whilst this was the manner in which they treated the "arch traitor," in other words, him who had *excited* the insurrection in Lower Canada, how did they act by Colonel Fitzgibbon, who, by dispersing the insurgents at Montgomery's hill, *crushed* the rebellion in the Upper Province? They paid him exactly one-half the sum previously voted him by the Liberals, whom they now stigmatize as rebels. Dr. Wolfred Nelson who has been held up as such an ogre, has also come within the sunshine of their favours. It is true that they did not indemnify him for his dismantled house, but they conferred official appointments both on him and on his friends. His claim for £.23,000 was, as he himself explains, simply put in, not in the expectation of its being allowed, but to vindicate the rights of others. When he saw that persisting in it would damage the cause of many innocent sufferers, he himself seconded an amendment in the committee, in which the resolutions were first considered, excluding himself and others similarly situated from the indemnity. I am aware that all this is aside of the main issue, which has reference only to the merits of the present Bill; but I mention it as illustrating how ill it becomes the Canadian Tories and their advocates at home to

denounce the measure as one under which such men as Papineau could claim compensation, seeing that they themselves have compensated Papineau for all his losses. It also shows the inconsistency, to say nothing of the dishonesty, of those who now seek to calumniate the present Cabinet for being successful in conciliating those whose support they themselves resorted to every trick, but in vain to secure. Many talk here as if responsible and constitutional Government could be conducted in Canada, with the French left entirely out of sight. This is impossible. The population is a mixed one of English and French, and no Government can stand unless they have the support of the majority. To denounce, then, as a rebel Cabinet, that which has acquired this support of the majority is an ineffable absurdity. The two races are now, for good or for evil, politically speaking, in the same boat; and that which is regarded as just or expedient for one cannot safely be withheld from the other.

But both here and in the Province there are those who believe, or affect to believe, that the two races can and should be differently dealt with. They regard the fact that the money is, in this case, to go into French pockets, whereas, in the other, it went into those of Anglo-Saxons, as drawing a broad line of demarcation between the two measures. The Bill for Upper Canada, they argue, was unexceptionable, inasmuch as it was to apply to that section of the United Province in

which the rebels were few and the loyalists numerous ; whilst that for Lower Canada applies to that section of the United Province in which the loyalists were few and the rebels numerous. In the one case they think that there was but little probability of any but loyalists being indemnified, whereas in the other, it is assumed that all, or the majority of those, who are to receive indemnity were rebels. But this species of self-deception, I cannot call it reasoning, is founded upon the gratuitous assumption, that the whole French Canadian population was tainted with rebellion, whilst but few of the inhabitants of Upper Canada were so. Let us see what grounds there are for this assumption. Proscribed, insulted, and oppressed as the French Canadians were anterior to 1837, it was no wonder that they rallied almost to a man around leaders who, whatever might have been their objects at a later stage of their political action, commenced their career with the honest desire of improving the social and political position of their countrymen. It is not to be denied that, linked together as they were by ties of blood and creed, and by a sense of common injustice and oppression, they had common sympathies, which permeated the whole body of the French Canadian population. In 1837, a few of them, and but a few of them, rebelled ; but more than nine-tenths of them remained quiescent, and took no part whatever in the treasonable projects of those who were in arms. Their political sympathies were with them up to the rebellion, but by

no overt act did they prove that their sympathies embraced the rebellion itself within their range. Certainly by no overt act did they either aid or abet it. In Upper Canada precisely the same occurred. There, too, but a few of the Liberals were in arms. But it would be a great mistake to suppose that the political sympathies of the great body of the Liberal party were with the family compact, or the loyalists *par excellence*. On the contrary, they were with those who had rebelled up to the point of the rebellion. That they sympathised with, or aided or abetted the movement in any way, was proved by no overt act on their part. Under these circumstances no one has been hardy enough to accuse the great bulk of the Liberal party in Upper Canada of having been rebels. How, then, the parallel being complete between their conduct and that of the great bulk of the Liberal party in Lower Canada, can the latter be, with any decency, accused of treason? Such an accusation is as malicious as it is absurd. Begotten in malice, it has been propagated by selfishness, prejudice, and ignorance. The fault of a few Liberals in Upper Canada, is not magnified into the crime of all, but the fault of a few Liberals in Lower Canada is magnified into the crime of all. And whilst the fault of a few of their number is thus tenaciously remembered, and all are unjustly involved in it, their loyalty, sacrifices, and services during the revolutionary war and the war with America in 1812, as well as at several intervening

periods, when their defection would have been most disastrous, are carefully forgotten. Is this just—is it generous? During the brief period of the insurrection, the destruction of property, as in Upper Canada, fell, but to a much greater extent, upon the innocent, as well as upon the guilty in the Lower Province. It was also, in many instances, as wanton as in the upper country, whilst, in some, it was accompanied with a peculiar degree of ferocity. In one case a body of transplanted islanders, equipped and organised, in a border county, made a descent upon a Canadian village. They left their homes a body of infantry, and returned to them a body of cavalry. They carried dismay and devastation wherever they went, extorting, under an extemporised gibbet, from the terrified inhabitants, such secrets, with respect to the insurgents, as they might possess. It was thus that the loyalty of Glengarry was established, beyond a doubt in Beauharnois. It is for such wanton and unnecessary destruction that compensation is now sought to be given, and it is for such that compensation would be withheld by the McNab party, if there was reason to *suspect* that the sufferers were *implicated* (how vague the word), in the rebellion. The *Chronicle* would throw upon them the *onus* of proving their loyalty, ere they could establish a title to compensation. But not so. Deprivation of property is part of the varied penalties of unsuccessful treason. A large class of persons have been deprived, in whole or in part, of their

property, without having been even charged with treason, and so long as they are not even charged with treason, it is inconsistent to call upon them to prove their loyalty. View the matter which way you will, there is not the shadow of a reason for withholding this indemnity, unless the re-instating of a minority in power, or the fact that the recipients of the indemnity will be British subjects having French instead of Anglo-Saxon blood in their veins, be good reasons for withholding it.

And this brings me to consider the point, in reference to which the most groundless fallacies have been propagated, that the question as raised by the Bill, involves a *war of races*. Many have been led to believe that the two parties confronting each other are French Canadians on the one side, and British Canadians on the other. The population of United Canada is at this moment about 1,500,000 souls. Of these there are about 780,000 in Lower and about 720,000 in Upper Canada. In the latter the population is exclusively Anglo-Saxon, whereas in the former the Anglo-Saxons do not much exceed 130,000. This leaves 650,000 as the French Canadian population, and 850,000 as the combined British population of the two provinces. It follows that, if parties were arrayed against each other in the manner above indicated, that is to say, the Cabinet and the French Canadians on the one side, and M^cNab and the Anglo-Saxons on the other, the Cabinet would be in a very decided minority. How comes it, then, that they command so large a

majority; the average majority on all the divisions on the bill having been from 30 to 32. This, in a House of 84, is equivalent to a majority of 242 in a House of 658. It arises simply from this—That there is no such division of parties as is alleged; in other words that the bill has not given rise to a war of races. If it had, the McNab party would command a large majority, whereas, in fact, it musters only a small minority. It is when it has put forth its greatest strength that it has most completely shown its utter weakness. And what has come of that portion of the Anglo-Saxon population, which declines the leadership of McNab and his instruments? The simple answer is that it is in harmonious action with the French. It is from the fusion and good understanding of the two that the cabinet derives its strength. Nor is it a portion only, but the greater portion of the Anglo-Saxons, who are thus in harmony with their French-Canadian fellow subjects. The present government, with all the French, carries with it the majority of the Anglo-Saxon constituencies. It has the support of the majority of the representatives from Upper Canada. At the same time it must be borne in mind that all the Liberal members from the Anglo-Saxon portion of the province represent counties and large constituencies, whilst most, if not all, on the other side, represent small constituencies and rotten boroughs, — the Horshams, and Yarmouths of Canada. Thus, with the majority of all the constituencies, they may be said to have the support

of all the large ones in Upper Canada. The McNab-Sherwood clique cannot at this moment muster 250,000 supporters in all Upper Canada. Giving them the whole of the British population of Lower Canada, the aggregate number of their followers will not exceed 380,000. They have this number to set off against the remaining 470,000 in Upper Canada. Setting the French, therefore, aside, and leaving the Anglo-Saxons to fight the matter out amongst themselves, the turbulent clique in opposition would have but little chance of success. But when to this Anglo-Saxon majority is added the whole body of the French Canadians, it gives a strength to the Government which their opponents are maddened to contemplate. Let us hear no more, then, of the bill giving rise to a war of races. The division of parties upon it, instead of proving the existence of such a war, affords cheering indications of the fusion, and not the disruption of races. As divided upon it, the parties stand thus: 650,000 French Canadians, *plus* 470,000 Anglo-Saxons, *versus* 380,000 Anglo-Saxons. As to this cry, the boot is on quite the other leg, for it is they who are inciting to a war of races, who would interpose, as a wedge, the minority of the Anglo-Saxons between the French Canadians and the majority of the Anglo-Saxons, who are now acting in harmony with them.

Let this be well pondered upon. If anything is calculated to excite a war of races in the Province it is the establishment of a different measure of

justice, as respects the two races inhabiting it. It is this that the opposition are bent upon effecting—it is this that Lord Elgin and his Cabinet are bent upon preventing. The object of the Bill is simply to do for the French Canadians that which has already been done without a murmur for their Anglo-Saxon fellow-subjects. The powers vested by it in the Commission of Inquiry are identical with those vested in the Upper Canadian Commission by the Act of 1840, as extended and enlarged by the subsequent Act of 1841. This being so, if the Bill is rejected, the French Canadians will be thereby taught that the great barrier to their obtaining justice is to be found in their descent. Could anything be more calculated than this to give rise to a war of races?

But it is urged by the provincial Tories, and reiterated by their advocates here, that, even admitting the Government to possess a Parliamentary majority, representing the bulk not only of the whole people, but also of the Anglo-Saxons themselves, inasmuch as the present House was not elected in contemplation of such a measure, Lord Elgin should, in deference to the feeling of hostility which had been manifested to it, have dissolved Parliament and appealed to the people. But why resort to a dissolution, when there was no antagonism between Parliament and the Cabinet? “Because,” say those who urge it, “both Parliament and the Cabinet are, in this matter, in antagonism with the people.” But it is for the people to show

this. Have they done so? So far from this, they have sustained their representatives in all that they done; not one Liberal Member from either section of the Province having received the slightest indication from his constituents that they disapproved of his conduct. Lord Elgin has very properly refused to treat the noisy ravings of a faction as the exponent of public sentiment on the subject; and nothing can be more preposterous than for a minority to call for a dissolution, when the Cabinet, Parliament, and the public, are in harmony with each other. In proof of the true state of public feeling we now find, as was expected, that meetings are being held everywhere in Upper (Anglo-Saxon) Canada, to express their confidence in Lord Elgin, and testify their abhorrence of the late frantic and atrocious proceedings in Montreal. If they were confident that the people were really with them, the course of the Tories was to have persisted in demanding a dissolution. But, by shifting their ground, as they have latterly done, and petitioning the Home Government for the recal of Lord Elgin, they virtually acknowledge themselves the minority. To demand the recal of the Governor-General, because, in shaping his local policy, he has deferred to the opinions of the great body of the people, expressed through the constitutional channel of Parliament, is in wonderful keeping with the whole conduct of those who have just been signaling their loyalty by tumult and arson.

*what are
petitions
for recall
of Elgin?*

Again, it is charged against the Government

that the Upper House was packed, in order to secure the passage of the measure. This, however, is but one of the many points raised by the local opposition, less with a view to local effect, than to influencing, in their favour, the Government and people at home, who are presumed to be ignorant of the real state of the case. Nearly six months before a single step had been taken in reference to the Rebellion Losses Bill, that is to say, in September last, some additional members were nominated to the Legislative Council. The addition was necessary to save the upper branch of the Legislature from falling into utter contempt. Its number had somewhat decreased, and its deliberations were very irregularly attended. It was thus to rescue it from the disrepute into which it had fallen, and not with a view to the success of any particular measure, that new blood was infused into it, at the time alluded to.

The Bill having passed through all its provincial stages, the scene of action is now changed from Montreal to London. Will the Colonial Department support Lord Elgin? Has it in reality any alternative? We have heard much of the insult which the Bill heaps on the Crown, of the dangers to which it exposes the empire, and of the risks to which it subjects the repose of the Province. It requires, however, but little reflection to see that the honour of the Crown, the integrity of the empire, and the repose of Canada demand the ready sanction of the measure by the Imperial Government.

It can add neither to the honor nor the dignity of the Crown to draw a line of groundless distinction between different classes of its subjects. The French-Canadian and the Anglo-Canadian are equally its subjects. From both it exacts the same allegiance—and both it professes at least to treat alike. It has now a noble opportunity of showing that it will deal, with even-handed justice, between the two. It cannot, with either decency or justice, refuse that to its French subjects which it has already done for its subjects of English extraction, even though the whole of the latter were opposed to its so doing, much less can it do so at the bidding of a mere minority of them.

It is equally evident that considerations connected with the integrity of the empire call for the allowance of the Bill. Responsible Government has at length been conceded to Canada. If that concession mean anything, it means this,—that in all local matters the Canadian people are to be left entirely to themselves. In other words, local affairs in Canada are henceforth to be regulated by local Parliamentary majorities. I have already shown that the Rebellion Losses Bill is a local measure. The people of Canada have emphatically pronounced in its favour, and the Colonial Department cannot disallow it, without virtually abrogating responsible Government in the province. Judging from his whole conduct with respect to Canada since he came into office, *Earl Grey* is not the minister to propose or even contemplate such a

course. In *Mr. Hawes*, too, as responsible Under Secretary, we have an additional guarantee that none such will be adopted. To disallow the Bill would be to revert to the old system of governing the province—a system which palliated, if it did not wholly justify, the rebellion. Can any statesman be found in England who, at this time of day, will propose to support in power, by extraneous aid, a faction in the province, in direct opposition to the will of the great body of the people? Yet this is what the provincial opposition are bent on achieving. Let them neither be encouraged nor deceived. Let them be given to understand that if they would return to power, they must make themselves acceptable to their countrymen—that the source of their authority must be the popular suffrages—and not the mere countenance of any department of the Imperial Government. It is because they fear that they will be thus perpetually condemned to compete with their political opponents for popular support, that they have lately raised the treasonable cry of “annexation.” We have heard much of late of the loyalty of Ulster being a sixpenny loyalty; but that of Canadian Toryism has proved itself to be so. The whole moral of the Tory cry is that if the Home Government will not keep them in power in opposition to the people, they cannot remain loyal subjects of the Crown. Yet such is the party whom the *Chronicle* sustains, to whom Mr. Gladstone, despite his convictions, appears to incline, whom Lord Stanley

favours, and whom Lord Brougham, with his new-born zeal for Imperial Toryism seems disposed to take into his patronage. But like the Papineau party of 1837, the Tory party of 1849 is now defunct. It sacrificed itself for the good of its country, amid the fires which it kindled in Montreal. Another consideration which should induce English Statesmen to let the principle of responsible government have its full sway in Canada, is the danger to which the Empire is exposed, by mixing up the Imperial Government in the local party broils of the province. As regards local matters, policy suggests that its weight should be felt in neither scale, for nothing could serve more speedily or more completely to alienate from the Mother Country the affections of the Canadian people, than for either party to find, on questions of purely provincial import, the Imperial Government the ally of its antagonist. It was this fatal policy which well nigh brought about a dismemberment of the Empire about twelve years ago. To revert to it now would be but to precipitate another successful revolution in America.

We are told from many quarters that the recent disturbances of the public peace in Canada should have been foreseen, and indeed were foretold, as the necessary result of the sanctioning by the Governor-General of the bill. But that is not the light through which to view the matter. The question is what would have been the present condition of the Province had the bill been rejected?

The ministry would have retired, and a sanguinary election would have ensued, out of which the popular party would have again come triumphant. The Cabinet would then be reinstated, and the bill reintroduced, and again forced upon the government. But, at the same time, the confidence of four-fifths of the Canadian people in the honesty of the imperial government would have been shaken, and their views would be directed to a new state of political existence. If annexation is ever to be brought about, it will not be by the miserable fraction of a party wrapped in the mantle of the rampant Toryism of former days, but by the great body of an alienated and offended people. Let the Indemnity Bill be allowed, and let responsible government have fair play in the Province, and Canada will long remain the most prosperous, the most peaceable, and the most respectable dependency of the Empire.

I now bring this examination to a close, having, I think, fulfilled the pledge given at its commencement, that I should show this Bill, both as regarded its own intrinsic merits and the relation of parties to it, to be an unexceptionable measure. I have shown it to be in strict conformity with the measure passed for Upper Canada by the Tories, a measure against which not a voice was raised, either in the Province or the Mother Country. I have also shown it to be but the completion of a measure initiated by the same Tories for Lower Canada, in conformity with their own precedent for the Upper Province—in

other words, that the Liberals have only *done* that which the Tories *intended to do*. I have shown, therefore, that, even were the measure in itself objectionable, it is not for the opposition in Canada, or their abettors at home, to take exception to it. But as the measure is not in itself objectionable, they stand accused of resisting a measure, unexceptionable in itself, and which is not only of their own originating, but is in strict accordance with an unexceptionable precedent established by themselves. I have also shown that it has excited no war of races, but that its disallowance would give rise to such a contest, that it is entirely a local matter, and that it should, therefore, be left to the exclusive arbitrament of the Canadian people, and that the honour of the Crown, the integrity of the Empire, and the repose of the Province, would be alike compromised by its rejection. Having shown this, I leave the matter in the hands of the department, convinced that Lord Grey will justify the confidence reposed in him by the Canadian people, by sustaining in this case, the firm, the manly, and the noble conduct of the Governor-General.

FINIS.

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